

No. 82-973

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ALEXANDER L. STEVAS,
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In the Supreme Court of the United States

OCTOBER TERM, 1982

IMMIGRATION AND NATURALIZATION SERVICE, PETITIONER

v.

PREDRAG STEVIC

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT*

REPLY MEMORANDUM FOR THE PETITIONER

REX E. LEE

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Respondent concedes (Br. in Opp. 15-16) the existence of a conflict between, on the one hand, the decision below and *Reyes v. INS*, 693 F.2d 597 (6th Cir. 1982), and, on the other hand, the Third Circuit's decision in *Rejaie v. INS*, 691 F.2d 139 (1982), concerning the standard an alien must meet in order to avoid deportation on the ground that he would be subject to political persecution in the country of deportation. Amicus curiae Lawyers Committee for International Human Rights contends (Am. Br. 1, 8), nevertheless, that our request for resolution of that conflict is premature because the Third Circuit, on further reflection, might see the error of its ways, overrule its decision in *Rejaie* and embrace the reasoning of the Second Circuit, and because other courts of appeals "are likely to follow the decision below."

Notwithstanding amicus' predictions, however, the Third Circuit already has reaffirmed its decision in *Rejaie v. INS*, *supra*, in *Marroquin-Manriquez v. INS*, No. 82-3163 (Jan. 27, 1983), slip op. 7-8.¹ And the Ninth Circuit has recently recognized that "probable political persecution" is the standard for asylum relief "under the heretofore decided cases." *Raass v. INS*, 692 F.2d 596 (1982). Accordingly, there is no basis for believing that the conflict among the circuits will disappear.

For these reasons and the reasons stated in the petition, it is respectfully submitted that the petition for a writ of certiorari should be granted.

REX E. LEE
Solicitor General

FEBRUARY 1983

¹We are serving copies of the opinion in *Marroquin-Manriquez* on respondent and amicus and are lodging 10 copies with the Clerk of the Court.